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Report on the
**Review of the Rules
of Procedure of the
Regional Committee
for the Eastern
Mediterranean**

**Report of the
Technical Committee**

Cairo, Egypt
3 March 2012



**World Health
Organization**

Regional Office for the Eastern Mediterranean

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1. INTRODUCTION

The Regional Committee decided at its session in October 2010 to review its Rules of Procedure given the length of time that has elapsed since the last update in 1986. The Committee noted, in this respect, that the Rules of Procedure are intended to protect the rights of individual Members. They are equally intended to permit an orderly conduct of business. The Rules afford an adequate guarantee of fair play to all concerned and of orderly proceedings.

This note contains a number of considerations and proposals concerning the revision of certain aspects of the Rules of Procedure for the consideration of the Bureau of the Regional Committee. In reviewing the existing Rules of Procedure, the Secretariat has only focused on those Rules which, in its view, warrant a revision based on the following criteria: 1) the practice of the Committee is different from the provision of the Rules; 2) the rules have been aligned with the corresponding Rules of Procedure of the Health Assembly and Executive Board; 3) the revision has been supported by Member States in the context of the on-going reform process and reflects best practices followed by other Regional Committees.

In the light of the foregoing, the technical committee is bringing the following to the attention of the Sub-Committee to review the Rules of Procedure of the Regional Committee.

2. RULE 2, OBSERVERS

The current text of the Rule reads as follows:

“Subject to the terms of any existing agreements, the Committee may arrange for consultation outside the Organization with the respective regional bodies of the United Nations and with those of other specialized agencies and with other international regional organizations having interests in common with the Organization, and for their participation as observers, without vote, in its discussions and in those of committees or sub-committees convened or established under its authority.”

Rule 2 only provides for participation of regional organizations or regional bodies of UN system organizations. This does not reflect the actual practice developed by the Committee, in particular with regard to the participation of nongovernmental organizations. It would be appropriate to revise the Rule so that it reflects the practice of the Committee and leaves flexibility to the Committee and the Regional Director with regard to inviting new observers. Moreover, the current Rule may allow for automatic participation of observers in meetings of committees and sub-committees convened under the authority of the Regional Committee. Such meetings are often only open to Members of the Committee because of the nature of their deliberations. It would be preferable therefore to limit participation by observers to the meetings of the Regional Committee. It should also be noted that the review of the Rules and practices of the Regional Committee with regard to observers has been discussed and generally supported in the context of WHO's reform.

The technical committee proposes the following revised text for Rule 2, which is based on the corresponding Rule of the Regional Committee for Europe:

“Subject to the terms of any existing agreements, the Regional Committee may arrange for consultation with the respective regional committees of the United Nations and with those of other specialized agencies and with other regional international organizations having interests in common with the World Health Organization and for their participation, without vote, in its discussions. The Regional Director, in consultation with the Regional Committee, may invite States not members of the Committee to participate without vote in the sessions of the Committee. The Regional Director, in consultation with the Regional Committee, may also invite nongovernmental organizations to participate in the deliberations of the Committee as provided in section 5 of the “Principles governing relations between the World Health Organization and nongovernmental organizations”.

3. RULE 3, CREDENTIALS

The current text of the Rule reads as follows:

“The Member States shall communicate to the Regional Director, not less than fifteen days before the date fixed for the opening of the session of the Committee, the names of their representatives, including all alternates and advisers. Similarly, the organizations referred to in Rule 2 invited to be represented at the session shall communicate the names of the persons by whom they will be represented. The credentials of representatives and names of alternates, advisers and observers shall be submitted to the Regional Director if possible not less than two days before the opening of the session of the Regional Committee.”

Credentials are documents issued by the competent authorities of Member States that authorize their representatives to represent them in international meetings and to take decisions on their behalf. In view of the decision-making authority of Regional Committees, it is important that the procedures concerning credentials of Member States be clear and follow international best practices in order to avoid uncertainties and challenges. Clarity is needed in particular on two aspects: 1) which national authorities may issue credentials; and 2) by what process credentials are reviewed in order to assess their validity. On the latter aspect, the Regional Committees for Africa and the South-East Asia Region have established a credentials committee whose members are elected at the beginning of each session of the Committees, through separate resolutions. This is also the case for the Health Assembly. In other cases, credentials are reviewed by the Bureau (see Rule 10) which then reports to the plenary. This is the case, for example, for the Conference of the Parties to the WHO Framework Convention on Tobacco Control. What should be avoided is that the responsibility for assessing the validity of credentials, especially in case of challenges or controversial situations, is left entirely to the Secretariat. Member States have supported the improvement and harmonization of the rules and practices of the Regional Committees as part of the reform process.

In the light of the foregoing, the technical committee proposes the following: 1) that the Rule clarify which authorities may issue credentials, following the approach of Rule 22 of the WHA's Rules and Rule 3 of the Rules of Procedure of the Regional Committee for Africa; and 2) that the Rules either establish a credentials committee or assign to the Bureau of the

Regional Committee the responsibility of reviewing credentials and reporting thereon to the Committee. The two alternatives are presented as variants in a proposed new Rule 3 bis which could read as follows:

“**Rule 3.** The Member States shall communicate to the Regional Director, not less than fifteen days before the date fixed for the opening of the session of the Committee, the names of their representatives, including all alternates and advisers. Similarly, the organizations [and States] referred to in Rule 2 invited to be represented at the session shall communicate the names of the persons by whom they will be represented. The credentials of representatives and names of alternates, advisers and observers shall be submitted to the Regional Director if possible not less than two days before the opening of the session of the Regional Committee. Such credentials shall be issued by the Head of State or Government, the Minister for Foreign Affairs, the Minister of Health or any other competent authority.

Rule 3 bis. VARIANT 1: A Committee on Credentials consisting of five representatives shall be appointed at the beginning of each session by the Committee on the proposal of the President. This committee shall elect its Chairman. It shall examine the credentials of representatives and report to the Committee thereon without delay. Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives, until the Committee on Credentials has reported and the Regional Committee has given its decision. Meetings of the Committee on Credentials shall be held in private.

Rule 3 bis. VARIANT B: The officers of the Regional Committee shall examine the credentials of representatives and report thereon to the Regional Committee. Any representative to whose admission a Member has made objection shall be seated provisionally with the same rights as other representatives, until the officers have reported and the Regional Committee has given its decision.”

4. RULE 10, OFFICERS OF THE COMMITTEE

This rule specifies that the officers of the Regional Committee are the Chair and two Vice chairs (the Bureau) to be elected by the committee. However, it has become the practice that the Chair of the Technical Discussions is included in the Bureau and there is a need to decide whether this is to continue and should be included in the Rules of Procedure. This point acquires particular importance in light of the proposed introduction of sub-committees to review the technical matters being submitted to the Regional Committee.

5. RULE 16, SUB-COMMITTEES OF THE COMMITTEE

The rule provides for the establishment of such sub-committees as it may deem necessary, to study and report to the Regional Committee on any item on its agenda.

The practice in this area varies from one region to another, with the European Region being the only one with a standing committee, included in the Rules of Procedure, which functions similarly to the Executive Board vis-à-vis the World Health Assembly.

In the Eastern Mediterranean Region, the Regional Committee established, by resolution, a Consultative Committee (RCC) composed of eight members. The main focus of this committee was to review the Organization's programmes in the Region in light of the reports by the Regional Director and to advise the Regional Director on any other topics referred to it by him.

Given the changes in best practice since the adoption of this resolution in 1983, the following two options are proposed for inclusion in the amended rules of procedure or as a resolution during the discussion on this point. Both options would replace the current RCC and involve changing the length of time for the Regional Committee as well as the scope of the agenda.

In both scenarios, the Regional Committee could be shortened and would cover:

- opening ceremony and election of officers;
 - Regional Director's annual report;
 - report of the Chair of the Consultative Committee;
 - managerial and budgetary issues;
 - special technical topics;
 - adoption of relevant resolutions.
- Option 1: The Consultative Committee would meet for two days, immediately prior to the Regional Committee, to:
 - discuss and review regional strategies and technical papers;
 - follow up on the implementation of past resolutions;
 - propose draft resolutions for the consideration of the Regional Committee;
 - propose agenda items for subsequent sessions of the Regional Committee.

The Committee would be made up of eight public health experts representing the Regional Committee. Selection of the membership would take into account the need for:

- equitable geographical distribution;
- adequate representation of the interests of the Region; and
- the opportunity for all Member States to participate over time,

The advantage of this scenario is that there would be time for more focused discussion with technical experts in the Consultative Committee and the Regional Committee would be able to concentrate on the key policy issues.

The disadvantage of this option would be the potential lack of time for representatives of Member States to consult with Capitals on draft resolutions.

- Option 2: The Consultative Committee would meet at the Regional Office three months prior to the scheduled start of the Regional Committee with the same terms of reference as option 1. However, the different timing would allow for adequate discussion in Capitals prior to the Regional Committee.

The potential disadvantage of this scenario is the additional cost which would have to be borne by individual Member States in terms of travel of their representatives to the Consultative Committee.

The modalities for selection of the Consultative Committee would be determined in discussion with the Regional Committee.

6. RULE 37, MULTIPLE PROPOSALS

The current text of Rule 37 reads as follows:

“If two or more proposals are moved, the Committee shall first vote on the proposal deemed by the Chairman to be furthest removed in substance from the proposal first presented and then on the proposal next removed therefrom, and so on, until all the proposals have been put to the vote, unless the result of a vote on a proposal makes unnecessary any other voting on the proposal or proposals still outstanding.”

It is proposed to revise this Rule so as to align it to the corresponding Rules of the Health Assembly and Executive Board as well as those of other Regional Committees such as that for Europe, so that multiple proposals are voted on in the order in which they are circulated to Members rather than in the same order as amendments. This is also the approach followed in Rules of Procedure of United Nations bodies. The revised Rule could read as follows:

“If two or more proposals are moved, the Committee shall, unless it decides otherwise, vote on the proposals in the order in which they have been circulated to all Member States, unless the result of a vote on a proposal makes unnecessary any other voting on the proposal or proposals still outstanding.”

7. RULE 48, ELECTIONS

The current text of the Rule reads as follows:

“All elections shall be decided by secret ballot. However, except as concerns the vote required for the nomination of the Regional Director, an election may be accepted by a show of hands or by acclamation, provided that there is no more than one candidate for one elective office and that no representative requests otherwise. Where ballots are required, two tellers appointed by the Chairman from among the representatives shall assist in the counting of votes. Only ballot papers on which there are the same number of names as there are elective places to be filled shall be considered as valid votes. The nomination of the Regional Director shall be decided by secret ballot in accordance with Rule 47.”

The text of the Rules is rather confused and should be streamlined, especially given the importance and sensitivity of elections. The Secretariat proposes that this Rule be revised along the lines of the corresponding Rules of the Health Assembly and Executive Board and of those of other Regional Committees, as follows:

“Elections shall normally be held by secret ballot. However, except as concerns the nomination of the Regional Director, if the number of candidates for elective office does not exceed the number of the offices to be filled, no ballot shall be required and

such candidates shall be declared elected. Where ballots are required, two tellers appointed by the Chairman from among the representatives shall assist in the counting of votes. Only ballot papers on which there are the same number of names as there are elective places to be filled shall be considered as valid votes. The nomination of the Director shall be decided by secret ballot in accordance with Rule 52.”

8. RULE 51, NOMINATION OF THE REGIONAL DIRECTOR

The modalities for the nomination of the Director-General and of the Regional Director have been subject to discussion and review during the history of WHO and, more recently, within the context of WHO's reform as well as with regard to the ongoing work of the Executive Board's Working Group of Member States on the Process and Methods of the Election of the Director-General of the World Health Organization.

It was felt by many Member States that, in view of their importance for the governance of WHO, the processes for the nomination of the Director-General and of the Regional Directors should be reviewed to increase, if necessary, their fairness, transparency and thoroughness. In particular, it was felt that the following elements, which have been part of the procedure for the nomination of the Director-General since the late 1990s, would help in improving the credibility and legitimacy of the process for the nomination of Regional Directors: 1) adoption of criteria which should be met by the candidate to be nominated; 2) a short-listing process in case there are more than five candidates so as to ensure that only the candidates enjoying a certain level of support proceed to the following phase; 3) an interview of each shortlisted candidate consisting of an oral presentation and a question-and-answer period; and 4) provision for a sudden vacancy in the post of Regional Director or inability of the Regional Director to perform his/her functions.

It should also be noted that the Regional Committees for Africa, the Americas and the Western Pacific have revised their nomination processes accordingly, and the Regional Committee for South-East Asia is expected to consider a proposal along the foregoing lines at its next session in September 2012. The Regional Committee for Europe has followed a different system, which consists of the establishment of a Regional Evaluation Committee which evaluates candidates and reports back to the Committee.

For the purpose of an initial consideration by the Bureau of the Regional Committee, the technical committee is proposing that Rule 51 be revised by introducing a short-listing and interview process as explained above. Other issues such as the adoption of criteria for the candidates or the details for the conduct of the interview could be elaborated later on if the Bureau wishes to pursue this proposal. Rule 51 could thus be revised as follows, with new text appearing **in bold**:

(a) Not less than six months before the date fixed for the opening of a session of the Committee at which a person is due to be nominated as Regional Director, the Director-General shall inform each Member State of the Region that he **or she** will receive proposals of names of candidates for nomination by the Committee as Regional Director.

(b) Any Member State of the Region may propose the name of one or more persons from within the Region who has indicated willingness to act as Regional Director, submitting with the proposal particulars of the person's qualifications and experience. Such proposals shall be sent to the Director-General so as to reach him **or her** not less than twelve weeks before the date fixed for the opening of the session.

(c) A person holding office as Regional Director for the Region shall be a candidate for nomination without being proposed under the preceding paragraph if he or she has indicated to the Director-General a willingness to be nominated.

(d) The Director-General shall, not less than ten weeks before the date fixed for the opening of the session, cause copies of all proposals for nomination as Regional Director (with particulars of qualifications and experience) received by him within the period specified to be sent to each Member State of the Region. The Director-General shall also indicate to each Member State whether or not the person holding the office is a candidate for nomination.

(e) If no proposals have been received by the Director-General in time for transmission to Member States in accordance with this Rule, they shall be informed accordingly not less than ten weeks before the opening of the session of the Committee. The Committee shall itself establish a list of candidates composed of the names proposed in secret by the representatives present and entitled to vote.

(f) If the Director is unable to perform the functions of his or her office or if his or her office becomes vacant before his or her term of office is completed, the Committee shall nominate a person for the post of Director at its next session, provided that the other provisions of this Rule are met. If the other provisions of this Rule cannot be met, the Committee shall take a decision at its next session with a view to nominating a person and submitting his or her name to the Executive Board as soon as possible.

(f bis) If the Director-General receives more than five proposals within the period specified in paragraph (b) of this Rule, the Committee shall draw up a short-list of five candidates at a private meeting at the commencement of its session. For this purpose, the Committee shall hold a secret ballot, and the five candidates obtaining the highest number of votes shall make up the short list. In the event of a tie between two or more candidates such that there are more than five candidates identified for inclusion on the short list, there shall be additional ballots between the candidates receiving the tie votes, with those receiving the highest number of votes filling the remaining place or places on the short list.

(f ter) The persons proposed in accordance with paragraph (b) of this Rule, or – in case of the preceding paragraph (f bis) being applicable – those persons on the short-list, shall be interviewed by the Committee as soon as possible at a private meeting. The interview shall consist of a presentation by each candidate in addition to answers to questions from members. The Committee shall determine, as appropriate, modalities for the interviews.

(g) The nomination of the Regional Director shall take place at a private meeting of the Committee. The Committee shall make a selection from among the

persons who are candidates under this Rule. The nomination of the Regional Director shall be decided by secret ballot.

(h) For this purpose each representative entitled to vote shall write on his ballot paper the name of a single candidate chosen from the above-mentioned list. If no candidate obtains the majority required, the candidate who obtains the least number of votes shall be eliminated at each ballot. If the number of candidates is reduced to two, there shall be not more than three further ballots. In the event of a tie after the third such ballot, the whole voting procedure established by this Rule shall be recommenced based on the short-list of candidates.

(i) The name of the person so nominated shall be submitted to the Executive Board.



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